



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 26 2019

REF: 100-100000000

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Paul Evilsizer  
Environmental Manager  
Continental Tire the Americas, LLC  
11525 North Illinois Highway 142  
Mount Vernon, IL 62864

Re: Notice of Violation and Finding of Violation  
Continental Tire the Americas, LLC, Mount Vernon, Illinois

Dear Mr. Evilsizer:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Continental Tire the Americas, LLC (Continental) under Sections 113(a)(1) and 113(a)(3) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(1) and 7413(a)(3). We find that Continental is violating the Prevention of Significant Deterioration of Air Quality requirements for areas in attainment of the National Ambient Air Quality Standards and Title V program requirements at its facility in Mount Vernon, Illinois.

Section 113 of the Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations. In order to make the conference more productive, we encourage you to submit information responsive to the NOV/FOV to us prior to the conference date.

Please plan for your technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Victoria Nelson. You may call her at (312) 886-9481 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink that reads "Sara Brunner". The signature is written in a cursive, flowing style.

*for* Michael D. Harris  
Acting Division Director  
Enforcement and Compliance Assurance Division

Enclosure

cc: Kent Mohr, Manager, Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Continental Tire the Americas, LLC  
Mount Vernon, Illinois**

**NOTICE OF VIOLATION AND  
FINDING OF VIOLATION**

Proceedings Pursuant to  
Clean Air Act, 42 U.S.C.  
§§ 7401 et seq

**EPA-5-19-IL-05**

**NOTICE OF VIOLATION AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV) under Sections 113(a)(1) and (a)(3) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(1) and (a)(3). EPA finds that Continental Tire the Americas, LLC (Continental) is violating the Prevention of Significant Deterioration (PSD) of Air Quality requirements for areas in attainment of National Ambient Air Quality Standards and Title V program requirements at its Mount Vernon, Illinois facility (the Facility) as follows:

**Statutory and Regulatory Authority**

1. All terms in the following numbered paragraphs shall have their ordinary meaning, unless such terms are defined in the Act, 42 U.S.C. §§ 7401-7671(q), or Volume 40 of the Code of Federal Regulations, in which case such statutory or regulatory definitions shall apply.

**Prevention of Significant Deterioration of Air Quality Requirements**

2. Part C of Title I of the Act, 42 U.S.C. §§ 7470-7492, sets forth requirements for PSD of air quality in those areas designated as either attainment or unclassifiable for purposes of meeting the National Ambient Air Quality Standards (NAAQS). These requirements are designed to protect public health and welfare, to assure that economic growth will occur in a manner consistent with the preservation of existing clean air resources, and to assure that any decision to permit increased air pollution is made only after careful evaluation of all the consequences of such a decision and after public participation in the decision making process. See 42 U.S.C. § 7470. These provisions are referred to as the Clean Air Act's "PSD Program."
3. Part C of Title I of the Act and the implementing regulations, at 40 C.F.R. § 52.21, prohibit a major stationary source from constructing a modification without first obtaining a PSD permit. If the modification is major in that it will result in a significant net increase in emissions of a regulated pollutant, and if the source is located in an area which has achieved the NAAQS for that pollutant, Part C and its implementing

regulations further require, among other things, that a source subject to PSD regulations install best available control technology (BACT).

4. Sections 110(a) and 161 of the Act, 42 U.S.C. §§ 7410(a) and 7471, require each state to adopt regulations implementing the PSD Program as part of the State Implementation Plan (SIP) for maintaining the NAAQS.
5. On August 7, 1980, EPA delegated to the Illinois Environmental Protection Agency (IEPA) authority to review and process PSD permit applications and to implement the PSD program. 46 Fed. Reg. 9584.
6. On August 7, 1980, EPA incorporated the provisions of 40 C.F.R. § 52.21(b) through (w) into the Illinois SIP. 45 Fed. Reg. 52741 (as amended at 46 Fed. Reg. 9584 (January 29, 1981)); 40 C.F.R. § 52.738.
7. The PSD regulations set forth in 40 C.F.R. § 52.21 apply to, among other things, "any project at an existing 'major stationary source'" in an attainment or unclassifiable area. 40 C.F.R. § 52.21(a)(2)(i).
8. "Major stationary source" for the purpose of PSD means any stationary source which emits, or has the potential to emit, 250 tons per year (tpy) or more of a regulated new source review (NSR) pollutant. 40 C.F.R. § 52.21(b)(1)(i)(b).
9. "Regulated NSR Pollutant" for the purpose of PSD means any pollutant for which a national ambient air quality standard has been promulgated and includes any pollutant identified as a constituent or precursor for a pollutant for which a national ambient air quality standard has been promulgated. 40 C.F.R. § 52.21(b)(50)(i)(b).
10. Volatile organic compounds (VOCs) are identified as precursors to ozone in all attainment and unclassifiable areas and are therefore regulated NSR pollutants. 40 C.F.R. § 52.21(b)(50)(i)(b)(1).
11. VOC means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. 40 C.F.R. § 51.100(s).
12. "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source. 40 C.F.R. § 52.21(b)(2)(i).
13. "Net emissions increase" means, with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:  
(a) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to 40 C.F.R. § 52.21(a)(2)(iv);  
and (b) Any other increases and decreases in actual emissions at the major stationary

source that are contemporaneous with the particular change and are otherwise creditable. 40 C.F.R. § 52.21(b)(3)(i).

14. "Significant emissions increase" means, for a regulated NSR pollutant, an increase in emissions that is significant for that pollutant. 40 C.F.R. § 52.21(b)(40).
15. "Significant" means, in reference to a net emissions increase of VOCs or the potential of a source to emit VOCs, a rate of emissions that would equal or exceed 40 tons per year (tpy). 40 C.F.R. § 52.21(b)(23)(i).
16. Pursuant to 40 C.F.R. § 52.21(a)(2)(iii), "[n]o new major stationary source or major modification to which the requirements of paragraphs (j) through (r)(5) of this section apply shall begin actual construction without a permit that states that the major stationary source or major modification will meet those requirements."
17. Pursuant to 40 C.F.R. § 52.21(j)-(r), to construct a "major modification" in an attainment area, a "major stationary source" subject to the PSD Program must, among other things: (1) meet all applicable emissions limitations under the SIP, along with any standards of performance under 40 C.F.R. Parts 60 and 61; (2) perform an analysis of source impacts; (3) perform air quality modeling and analysis; (4) obtain a PSD permit; and (5) install and apply Best Available Control Technology (BACT) control devices for each regulated NSR pollutant for which the modification would result in a significant net emissions increase.
18. "Best available control technology" means an emissions limitation reflecting the maximum degree of reduction of each regulated NSR pollutant which the permitting authority determines is achievable for a facility on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs. 40 C.F.R. § 52.21(b)(12).
19. Pursuant to 40 C.F.R. § 52.21(r)(1), any owner or operator who constructs or operates a source or modification not in accordance with its PSD application, or who commences construction without applying for and receiving an approved PSD permit, shall be subject to an appropriate enforcement action.
20. Pursuant to 40 C.F.R. § 52.23, any person failing to comply with any provisions of this part, including the PSD Program, is subject to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

#### Title V Program

21. Title V of the Act, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for major sources of air pollution.
22. In accordance with Section 502(b) of the Act, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. See 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.

23. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA a permit program meeting the requirements of Title V.
24. On December 4, 2001, EPA provided full and final approval for the State of Illinois Title V operating permit program. See 40 C.F.R. Part 70, Appendix A; 66 Fed. Reg. 62946.
25. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
26. Pursuant to 40 C.F.R. § 70.6(b)(1), all terms and conditions contained in a Title V permit are enforceable by EPA.
27. Pursuant to 40 C.F.R. § 70.5(b), "Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to the release of a draft permit."

#### Illinois EPA Construction Permits

28. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP is a requirement of the SIP, and is federally enforceable under Section 113 of the Act, 42 U.S.C. § 7413.
29. EPA promulgated approval of 35 Ill. Admin. Code Part 201, "Permits and General Conditions," as part of the federally enforceable SIP for the State of Illinois on May 31, 1972. See 37 Fed. Reg. 10862. Since then, EPA has approved several revisions of 35 Ill. Admin. Code Part 201 into the federally enforceable SIP.
30. EPA promulgated approval of an amended version of 35 Ill. Admin. Code § 201.152, "Contents of Application for Construction Permit," as part of the federally enforceable SIP for the State of Illinois on January 3, 2000. See 65 Fed. Reg. 14.
31. Under 35 Ill. Admin. Code § 201.152, an application for a construction permit shall contain, among other things, "information concerning processes to which the emission unit or air pollution control equipment is related" and "the nature, specific points of emission and quantities of uncontrolled and controlled air contaminant emissions at the source that includes the emission unit or air pollution control equipment."

#### Permits Issued to Continental Tire

32. The Facility applied to Illinois EPA for a Title V permit on November 28, 1995.
33. Illinois EPA issued the Facility a Title V permit, No. 081803AAB, on May 28, 2002, with an expiration date of May 27, 2007. Permit condition 9.14 provides that the Facility

may continue to operate based on the permit conditions after the expiration date as long as the permittee has submitted a timely and complete renewal application.

34. The Facility applied for six different construction permits, and several revisions to those permits, between 2011 and 2018, as discussed in more detail in Paragraphs 50 - 59 below.
35. Illinois EPA issued the Facility the construction permits and revisions between 2011 and 2018, as discussed in more detail in Paragraphs 50 - 59 below.
36. On August 9, 2016, Continental submitted an application modifying the April 2011 construction permit to remove the requirement to control VOC emissions at "New Curing Trenches #11-13" with a carbon adsorption system, among other changes, for the PLT line.
37. Based on the application described in Paragraph 36, Illinois EPA issued a revised construction permit, Permit No. 11010008, on August 31, 2016, for construction of emission sources and expansion of passenger and light vehicle truck tire production (August 2016 Revised PLT Permit).
38. Section 3.7 of the August 2016 Revised PLT Permit provides a set of special conditions that apply to 65 new curing presses in New Curing Trenches #11-13, including operational throughput and VOC emission limits.
39. Condition 3.7.6 of the August 2016 Revised PLT Permit provides that the annual VOC emissions of New Curing Trenches #11-13 shall not exceed 23.20 tons per year of VOC.

#### **Relevant Factual Background**

40. Continental owns and operates a tire manufacturing plant at its Facility in Mount Vernon, Illinois.
41. The Facility is located in Jefferson County, which has been designated as an attainment area for the federal ozone standard at all times relevant to this NOV/FOV.
42. EPA conducted an inspection of the Facility on December 4, 2017, to assess compliance with the Act.
43. EPA submitted an information request to the Facility under Section 114 of the Act, dated February 15, 2018 (2018 Information Request).
44. Continental provided responses to the 2018 Information Request on March 29, 2018; April 27, 2018; and May 25, 2018.
45. The Facility's operations include commercial vehicle tire (CVT) and passenger and light truck tire (PLT) manufacturing lines. Both types of tires can be made with organo-silane rubber. Manufacturing tires with organo-silane rubber results in emissions of ethanol, among other compounds.

46. The Facility operates 22 mixers, all of which have been used to supply rubber to both the CVT and PLT lines.
47. Ethanol is a VOC as defined at 40 C.F.R. § 51.100(s).
48. Since at least 2008, the Facility has emitted more than 250 tpy of VOCs.
49. The Facility is a “major stationary source,” as that term is defined at 40 C.F.R. § 52.21(b)(1)(i)(b), because it emits VOCs in excess of 250 tpy.
50. In April 2011, June 2012, and December 2012, Continental submitted three separate, but related, minor PSD construction permit applications for a series of modifications to increase tire manufacturing capacity at the Facility. Continental estimated VOC emission increases in each permit application of 35.70 tpy, 37.00 tpy, and 30.92 tpy, respectively. In total, Continental estimated VOC emissions increases of 104 tpy.
51. Illinois EPA issued three separate construction permits in April 2011, October 2012, and March 2013 in response to the permit applications submitted by Continental as described in Paragraph 50.
52. Between 2014 and 2018, Continental submitted applications to make multiple modifications to the three related minor PSD construction permits identified in Paragraph 51, including the addition of new equipment, adjustment of emission factors, and removal of VOC emissions control requirements.
53. Between 2014 and 2018, Illinois EPA issued revised permits to incorporate the permit modifications submitted by Continental as described in Paragraph 52.
54. On information and belief, Continental commenced construction and/or implementation of each modification described in Paragraphs 50 and 52 within 12 months of issuance of the corresponding construction permits.
55. In June 2016, August 2016, and November 2017, Continental submitted three additional separate, but related, minor PSD construction permit applications for modifications to increase tire manufacturing capacity at the Facility. Continental estimated VOC emission increases in each permit application of 23.92 tpy, 31.91 tpy, and 24.56 tpy, respectively. In total, Continental estimated VOC emissions increases of 80 tpy.
56. Illinois EPA issued three separate construction permits in July 2016, September 2016, and January 2018 in response to the permit applications submitted by Continental as described in Paragraph 55.
57. On information and belief, Continental commenced construction of each project identified in Paragraph 48 within 12 months of issuance of the corresponding construction permit.
58. Each of the permits identified in Paragraphs 51, 53, and 56 provide that the permits are granted to “construct emission sources... as described in the above-referenced



application,” which refers to the corresponding applications referenced in Paragraphs 50, 52, and 55.

59. Equipment installed and modifications made under the permits identified in Paragraphs 51, 53, and 56 were used for both the PLT and CVT manufacturing lines. The associated permit applications indicate that the equipment will be used for either the PLT or CVT line, not both.
60. Continental’s response to the 2018 Information Request indicated that it had conducted engineering studies at the curing and mixing portions of the tire manufacturing process at various points in 2016 and 2017.
61. The engineering studies conducted in 2016 and 2017 identified significantly larger VOC emission factors than those that had been relied upon in the construction permit applications submitted to IEPA and larger than the emission factors used for purposes of calculating annual emissions from the Facility.
62. In the August 2016 Revised PLT Permit application, Continental used emission factors for VOC emissions from the curing trenches from an engineering study conducted at the inlet of the carbon adsorption system controlling New Curing Trenches #11-13 on June 29-30, 2016 (June 2016 Engineering Study).
63. The June 2016 Engineering Study results given in the application identified a VOC loading rate to the carbon adsorption system of 0.0004 pounds VOC “as propane” per pound of rubber.
64. Performing an accurate calculation of VOC emissions data requires conversion of VOC “as propane” emission data to VOC “as ethanol” emission data through use of the conversion factors of 1.22 pounds of propane per pound of carbon and 1.92 pounds of VOC (assumed to be ethanol) per pound of carbon.
65. EPA has applied the conversion factors described in Paragraph 64 to the Facility’s VOC loading rate to the carbon adsorption system and determined that the Facility’s VOC loading rate is 0.0006 pounds VOC per pound of rubber and not 0.0004 pounds VOC per pound of rubber.
66. In the August 2016 Revised PLT Permit application, Continental estimated an emissions increase at New Curing Trenches #11-13 of 23.2 tpy of VOC using the “as propane” results of the June 2016 Engineering Study. Using the conversion factors described in Paragraph 64, EPA has calculated the emissions increase at New Curing Trenches #11-13 to be 34.3 tpy of VOC, bringing the total August 2016 Revised PLT Permit VOC emissions increase to 46.2 tpy.
67. In its response to the 2018 Information Request, Continental provided emissions data for operations at New Curing Trenches #11-13 in 2017.
68. Continental calculated 2017 annual VOC emissions from New Curing Trenches #11-13 using the “as propane” results of the June 2016 Engineering Study. Continental found the

New Curing Trenches #11-13 VOC emissions to be less than 23.2 tons per year. Using the conversion factors described in Paragraph 64, EPA has calculated the 2017 annual VOC emissions at New Curing Trenches #11-13 to be 25.13 tons per year.

69. The projects described in Paragraphs 50 - 57 have caused one or more “significant emissions increases” of VOCs as that term is defined in 40 C.F.R § 52.21(b)(40).
70. The projects described in Paragraphs 50 - 57 have caused one or more “significant net emissions increases” of VOCs as that term is defined in 40 C.F.R § 52.21(b)(23)(i) and 40 C.F.R. § 52.21(b)(3)(i).
71. The projects described in Paragraphs 50 - 57 constituted one or more “major modification(s)” as that term is defined in 40 C.F.R. § 52.21(b)(2)(i).

•                    **Alleged Violations**

72. Continental has violated and continues to violate Section 165(a) of the Act, 42 U.S.C. § 7475(a), and 40 C.F.R § 52.21(a)(2)(iii), (j), (k), (l), (m), and (r), by commencing construction of a major modification at the Facility without first applying for and obtaining the required pre-construction PSD permit, conducting a BACT analysis, conducting a source impact analysis, performing air quality modeling and analysis, and installing and operating BACT-level controls for VOCs at the Facility.
73. Continental has violated and continues to violate 35 Ill. Admin. Code § 201.152 and 40 C.F.R. § 70.5(b) by not converting VOC “as propane” emission data to VOC “as ethanol” emission data, thereby failing to include accurate quantities of uncontrolled and controlled emissions in its construction permit application and as a supplement to its Title V permit application.
74. Continental has violated 35 Ill. Admin. Code § 201.152 by identifying equipment as associated with only one production line when it would be used for multiple production lines, thereby failing to provide accurate information concerning its tire manufacturing processes in construction permits issued in April 2011, October 2012, March 2013, July 2016, September 2016, and January 2018, revised by the corresponding permit modifications issued between 2014 and 2018.
75. Continental has violated Condition 3.7.6 of the 2016 Construction Permit by failing to limit VOC emissions from New Curing Trenches #11-13 to 23.2 tons per year.

**Environmental Impact of Violations**

76. These violations have caused or can cause excess emissions of VOC, which contribute to ground level ozone. Ground level ozone irritates the human respiratory system and reduces lung function.

9-25-19  
Date

Sara Brunner  
for Michael Harris  
Acting Division Director  
Enforcement and Compliance Assurance Division

**CERTIFICATE OF MAILING**

I, \_\_\_\_\_, certify that I sent a Notice and Finding of Violation, No. EPA-5-19-IL-05, by Certified Mail, Return Receipt Requested, to:

Paul Evilsizer, Environmental Manager  
Continental Tire the Americas, LLC  
11525 North Illinois Highway 142  
Mount Vernon, Illinois 62864

I also certify that I sent copies of the Notice and Finding of Violation by e-mail to:

Kent Mohr, Manager  
Compliance Section  
Bureau of Air  
Illinois Environmental Protection Agency  
Kent.Mohr@Illinois.gov

On the 27<sup>th</sup> day of September 2019.

Kathy Jones  
Kathy Jones, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7019 0140 0000 0722 3956